

R590. Insurance, Administration.

R590-229. Annuity Disclosure.

R590-229-5. Definitions.

In addition to the definitions in Section 31A-1-301, the following definitions shall apply for the purpose of this rule:

(1) "Buyer's Guide" means a document which contains, and is limited to, the language contained in the "Buyer's Guide for ~~[Fixed-]~~Deferred Annuities," dated 2013, the Buyer's Guide for ~~[Fixed-]~~Deferred Annuities - Fixed" dated 2013, and the "Buyer's Guide for ~~[Fixed]~~Deferred Annuities - Variable" dated 2013.

(2) "Contract owner" means the owner named in the annuity contract or certificate holder in the case of a group annuity contract.

(3) "Determinable elements" means elements that are derived from processes or methods that are guaranteed at issue and not subject to company discretion, but where the values or amounts cannot be determined until some point after issue. These elements include the premiums, credited interest rates with any applicable bonus, benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these. These elements may be described as guaranteed but not determined at issue. An element is considered determinable if all of the underlying elements that go into its calculation are either guaranteed or determinable.

(4) "Disclosure document" means the document described in Subsection 6(2) of this rule.

(5) "Funding agreement" means an agreement for an insurer to accept and accumulate funds and to make one or more payments at future dates in amounts that are not based on mortality or morbidity contingencies.

(6) "Generic name" means a short title descriptive of the annuity contract being applied for such as "single premium deferred annuity".

(7) "Guaranteed elements" means premiums, credited interest rates with any applicable bonus, benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these, that are guaranteed and determined at issue. An element is considered guaranteed if all of the underlying elements that go into its calculation are guaranteed.

(8) "Non-guaranteed elements" means the premiums, credited interest rates with any applicable bonus, benefits, values, non-interest based credits, charges or elements of formulas used to determine any of these that are subject to company discretion and are not guaranteed at issue. An element is considered non-guaranteed if any of the underlying elements that go into its calculation are non-guaranteed.

(9) "Structured settlement annuity" means a "qualified funding asset" as defined in IRC Section 130(d) or an annuity that would be a qualified funding asset under IRC Section 130(d) but for the fact that it is not owned by an assignee under a qualified assignment.

R590-229-6. Appropriate Buyer's Guide.

(1) The "Buyer's Guide for ~~[Fixed-]~~Deferred Annuities" shall be considered the appropriate Buyer's Guide for an annuity product.

(2) Notwithstanding Subsection (1) ~~+~~
~~—(a)~~ for a ~~[fixed]~~non-variable annuity product, the "Buyer's Guide to ~~[Fixed-]~~Deferred Annuities - Fixed" may be used as the appropriate

Buyer's Guide[~~and~~].

~~[(b)]~~(3) If an insurer elects to provide a Buyer's Guide for a variable annuity product, the insurer may use either the "Buyer's Guide for Deferred Annuities" or the "Buyer's Guide for [Fixed
]Deferred Annuities - Variable."~~[may be used as the appropriate Buyer's Guide.]~~

KEY: insurance, annuity disclosure

Date of Enactment or Last Substantive Amendment: ~~[2013]~~2014

Notice of Continuation: September 22, 2009

**Authorizing, and Implemented or Interpreted Law: 31A-2-201;
31A-22-425**